

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



November 23, 2005

Regulation Package #1104-07

CDSS MANUAL LETTER NO. CCL-05-15

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,  
CHAPTER 1, GENERAL LICENSING REQUIREMENTS

**Regulation Package #1104-07****Effective 11/3/05****Section 80072**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/GeneralLic\\_630.htm](http://www.dss.cahwnet.gov/ord/GeneralLic_630.htm).

Current licensing standards and existing regulations provide protection for clients who use postural supports by prohibiting the use of the support as a form of restraint. These amendments repeal references to the approval requirement from the Department for postural supports and specify that the client's physician's order for the postural support must be maintained in the client's record. The amendment for the requirement of bed rails that extend half the length of a client's bed is to clarify the condition upon use. These amendments will effectively reduce Department staff procedures and costs, thereby, allowing Departmental resources to be applied toward the oversight of more important health and safety issues.

Current regulations require facilities to apply for Department approved waivers and exceptions to accept individuals who are over the age of 59 to reside in an Adult Residential Facility. These amendments eliminate the need for Department approved waivers and exceptions by allowing facilities to accept and retain individuals over the age of 59 whose needs are compatible with other clients, if they require the same level of care and supervision as do the other clients in the facility, and the licensee is able to meet their needs. These amendments will effectively reduce Department staff procedures and costs, thereby, allowing Departmental resources to be applied toward the oversight of more important health and safety issues.

These regulations were heard at the Department's May 18, 2005 public hearing.

**FILING INSTRUCTIONS**

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-05-14. The latest prior manual letter containing General Licensing Requirements regulation changes was Manual Letter No. CCL-05-10.

Page(s)Replace(s) Page(s)

121 through 124

Pages 121 through 124

Attachments

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**80072 PERSONAL RIGHTS (Continued)****80072**

- (8) Not to be placed in any restraining device. Postural supports may be used under the following conditions.
- (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc.
    - 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.
  - (B) A written order from the client's physician indicating the need for the postural support shall be maintained in the client's record. The licensing agency shall be authorized to require additional documentation if needed to verify the order.
  - (C) Postural supports shall be fastened or tied in a manner that permits quick release by the client.
  - (D) Prior to the use of postural supports that cause the client to become non-ambulatory, the licensee shall ensure that a fire clearance, as required by Section 80020, has been secured.
  - (E) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a client's hands or feet.
    - 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed. Bed rails that extend the entire length of the bed are prohibited except for clients who are currently receiving hospice care and have a hospice care plan that specifies the need for full bed rails.

**80072 PERSONAL RIGHTS (Continued)****80072**

- (F) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
  2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (9) To receive or reject medical care, or health-related services, except for minors and other clients for whom a guardian, conservator, or other legal authority has been appointed.
- (10) To be informed of the facility's policy concerning family visits and other communication with clients, as specified in Health and Safety Code Section 1512.
- (b) At admission, a client and the client's authorized representative shall be personally advised of and given a list of the rights specified in Sections 80072(a) (1) through (10) and in the applicable Personal Rights sections of Chapters 2 through 7.
- (c) The information specified in (b) above including the visiting policy as stated in the admissions agreement shall be prominently posted in areas accessible to clients and their visitors.

<b>80072</b>	<b>PERSONAL RIGHTS (Continued)</b>	<b>80072</b>
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- (d) The licensee shall ensure that each client is accorded the personal rights as specified in this section and the applicable sections of Chapters 2 through 7.

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**HANDBOOK BEGINS HERE**

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- (A) Section 1512 of the Health and Safety Code provides that:

The policy shall be designed to encourage regular family involvement with the client and shall provide ample opportunities for family participation in activities at the facility.

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**HANDBOOK ENDS HERE**

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| NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

<b>80073</b>	<b>TELEPHONES</b>	<b>80073</b>
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- (a) All facilities shall have telephone service on the premises.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528, 1531 and 1539, Health and Safety Code.

<b>80074</b>	<b>TRANSPORTATION</b>	<b>80074</b>
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- (a) Only drivers licensed for the type of vehicle operated shall be permitted to transport clients.
- (b) The manufacturer's rated seating capacity of the vehicles shall not be exceeded.
- (c) Motor vehicles used to transport clients shall be maintained in a safe operating condition.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528 and 1531, Health and Safety Code.